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July 8, 2021

VIA ECF

Honorable Brian M. Cogan
United States District Court, E.D.N.Y.
225 Cadman Plaza East, Chambers 704S
Brooklyn, NY 11201

Re: White v. Credit Control, LLC, 1:21-cv-3068-BMC

Dear Judge Cogan:

On behalf of Plaintiff Joseph White and Defendant Credit Control, LLC, the parties respectfully submit this joint letter pursuant to the Court's mandatory requirements for the initial status scheduled for July 13, 2021 at 1:00 p.m.

Plaintiff filed a class action complaint on May 28, 2021, alleging violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA") arising from Defendant's attempts to collect a credit card debt from plaintiff. Plaintiff served Defendant on June 3, 2021.

Plaintiff's complaint alleges that Defendant caused a letter vendor to send him the collection letter attached to the complaint as Exhibit A. Plaintiff alleges that in order to have the letter vendor send him Exhibit A, Defendant had to furnish Plaintiff's name, address, status of Plaintiff as a debtor, details about Plaintiff's alleged debt and other personal information to a third-party letter vendor. Plaintiff alleges that he did not consent to disclosing his personal and confidential information concerning the debt or otherwise to any third-party. Plaintiff alleges that Defendant's disclosure of his personal and confidential information to an unauthorized third party violated the FDCPA, 15 U.S.C. § 1692c(b). Plaintiff further alleges that Defendant violated the FDCPA, 15 U.S.C. § 1692f by using unfair means to collect a debt by disclosing personal and confidential information about him to unauthorized third parties. Plaintiff brings this action on behalf of a putative class.

Defendant's affirmative defenses to the Plaintiff's claim: Defendant has answered the Complaint. To the extent any violation of the law occurred, which is expressly denied, it occurred as the result of a bona fide error notwithstanding procedures reasonably designed to avoid such an error. Defendant also may raise issues relating to Plaintiff's Article III standing to bring these claims – although this is not technically an affirmative defense.

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Plaintiff alleges that the jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331. It is Plaintiff's position that essentially identical allegations to what Plaintiff alleges in his complaint were held to inflict sufficient injury to give rise to standing in *Hunstein v. Preferred Collection Mgmt. Servs., Inc.*, 994 F.3d 1341, 1347-49 (11th Cir. 2021). The Eleventh Circuit applying the test for standing set forth in *Trichell v. Midland Credit Mgmt., Inc.*, 964 F.3d 990 (11th Cir. 2020), and cited with approval by the Supreme Court in *TransUnion, LLC v. Ramirez*, 20-297, 2021 U.S. LEXIS 3401 (June 25, 2021), held that 15 U.S.C. § 1692c(b) is violated and results in a concrete injury for Article III purposes when a debt collector provides a third-party letter vendor with personal account information in connection with collecting a debt. The Eleventh Circuit held that provision of this personal confidential information without the consumer's consent is an impermissible communication with a third party that violates the FDCPA. *Hunstein*, 994 F.3d at 1352.

Defendant reserves the right, upon additional discovery, to challenge Plaintiff's Article III standing to bring this claim.

There are no motions pending.

Plaintiff anticipates filing a motion for class certification. Plaintiff and Defendant anticipate filing motions for summary judgment.

Respectfully submitted,

s/ Heather Kolbus
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CERTIFICATE OF SERVICE

I, Heather Kolbus, hereby certify that on Thursday, July 8, 2021, I caused a true and accurate copy of the foregoing document to be filed via the Court's CM/ECF system, which caused notification to be sent via email to the following parties:

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